

REMARKS

Claims 1-15 are pending in this application. By this Amendment, Applicant has amended claims 1-3 and 11-13, and added claims 16-34. Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Specification and Drawings:

Applicant has amended the specification and FIG. 5 to correct various typographical errors appearing therein. With respect to the amendment to the drawing, the second occurrence of reference numeral "510" has been changed to -- 520 -- to comport with the description of FIG. 5 in the specification. A replacement drawing sheet is attached. No new matter has been added.

Rejections Under 35 U.S.C. § 102 and 103:

Claims 1-3 and 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Dan. Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Hines et al. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Bell. Claims 4, 7, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Yu et al. Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Hines et al. Claims 1 and 11 are drafted in independent form.

Applicant's invention, as defined by amended claim 1, is directed to a method of transmitting, during an ongoing packet transfer operation in which packets of content are transferred between a sending device and a receiving device, image data in addition to said

content, wherein said packet transfer is comprised of a plurality of packets defined in accordance with a transfer protocol, the method comprises the step of transmitting the image data with the packets associated with said ongoing packet transfer between the sending device and the receiving device for display on a display associated with the receiving device during said ongoing packet transfer.

As discussed, for example, on p. 5, lines 1-7 of the instant application, a user of a receiving device may be receiving a relatively large file comprising packets of content which may take quite some time to download. In accordance with one embodiment of the present invention wherein additional image data is transmitted with the packets of content, the display of the receiving device, which would typically be blank or static while the device is occupied with the download could instead display the additional image data to the user.

Dan is directed to a system for creating and managing web content. Dan neither teaches nor suggests transmitting image data in addition to the content associated with the ongoing packet transfer for display on a display of the receiving device during the ongoing packet transfer.

Accordingly, Applicant respectfully submits that claim 1, as amended, is neither taught nor suggested by Dan.

Amended claim 11 contains features similar to those found in claim 1, and thus, is allowable for at least the same reasons as set forth above in urging the allowance of amended claim 1.

Dependent Claims:

Dependent claim 2 calls for transmitting the image data within the packet headers of the data transfer. The Office action cites col. 17, lines 20-29 of Dan in that regard. However,

the cited section of Dan is referring to a “header” as “a top portion of a web page” and attaching content such as a banner ad object to the header of the web page during we page management. This stands in sharp contrast to transmitting image data within the *packet* headers of the data transfer, as explicitly required by claim 2.

Accordingly, Applicant respectfully submits that the feature of dependent claim 2 is neither taught nor suggested by Dan.

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing arguments and amendments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

New Claims:

Applicant has added new claims 16-34 directed to a combination of features believed to be patentable for at least the same reasons as set forth above in urging the allowance of amended claim 1. An examination on the merits of these new claims is respectfully requested. No new matter has been added.

* * *

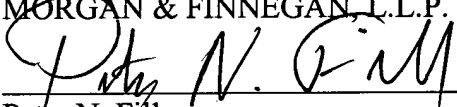
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4066. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4066. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Dated: July 11, 2005

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.
By: 
Peter N. Fill
Registration No. 38,876

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile